Notice of Intent to Certify Sole Source

To: Interested Parties

From: David C. Johnson

CC: ITS Project Number 46460

Date: June 8, 2021

Re: Sole Source Certification Number 4398 to provide Entire Connection Maintenance and Support for the Mississippi Department of Human Services (MDHS)

Contact Name: Jay Woodruff

Contact Phone Number: 601-432-8001

Contact E-mail Address: jay.woodruff@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4398 for the Mississippi Department of Human Services (MDHS), please be advised that ITS intends to award Software AG USA, Inc., as the sole source provider of Entire Connection maintenance and support through June 30, 2024, in an amount not to exceed $10,062.00. Please be advised that ITS will determine if additional licenses, maintenance, upgrades, or support are within scope during the certification period and may increase the spending authority accordingly. Should Software AG USA, Inc. change their name during this certification period, then ITS will determine if a recertification is necessary. For an explanation regarding Mississippi state law, policy and procedures for sole source procurements, refer to Attachment C: Sole Source Procurement Overview.

Sole Source Criteria

1. The product or services being purchased must perform a function for which no other product or source of services exist:

   Entire Connection allows users to create or access application functions and data resources, regardless of location or underlying technology. Entire Connection allows users to run any number of independent host sessions concurrently, where each session occupies one window, from their PC. This parallel access and the ability to cut and paste text using the Windows clipboard, makes their PC a powerful tool for managing users' data processing tasks. Entire Connection executes and debugs standard procedures, such as backups, and unattended workstation support. The customer's sole source certification request is included as Attachment A.

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2. The purchaser must be able to show specific business objectives that can be met only through the unique product or services:

MDHS is re-hosting Adabas and Natural applications to a Linux platform. Entire Connection allows reliable, easy, and secure access to a critical application in the new Linux environment with similar key functionalities from within the application. MDHS needs the ability to access a specific field via a mouse click and use the shift+tab key to tab back to the previous field. This is required for the users to maintain and/or improve the productivity level experienced in the previous system environment. The customer's sole source certification request is included as Attachment A.

3. The product or services must be available only from the manufacturer and not through resellers who could submit competitive pricing for the product or services:

Software AG USA, Inc. is the developer and either the original manufacturer, or authorized licensor of each of the Licensed Products. Software AG USA, Inc. is, to the best of their knowledge, the only company in the United States authorized to license and provide technical services for the licensed products. The Vendor's sole source certification letter is included as Attachment B.

Schedule

Task	Date
First Advertisement Date	06/08/21
Second Advertisement Date	06/15/21
Response Deadline From Objectors	06/22/21 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 06/23/21

Project Details

ITS issued Request for Proposals (RFP) No. 3784 on September 15, 2015, on behalf of MDHS for the acquisition of services and software to re-host Adabas and Natural applications to a Linux platform. Cambria Solutions, Inc. was the awarded vendor. Cambria Solutions, Inc. did not propose the Entire Connection, because it was not needed at the time of the procurement. In December 2018, MDHS Child Support Enforcement (CSE) realized they needed 35 Entire Connection licenses and maintenance so that all of the key functionalities within the Mississippi Enforcement Tracking of Support System (METSS) can be utilized. This ensured that the products operated properly since upgrading the system to the new Linux platform.

In April 2019, ITS issued Sole Source Certification Number 4189 for Entire Connection Licenses and Maintenance for MDHS through June 30, 2021 and received no objections. MDHS-CSE would like to continue the maintenance and support of the Entire Connection software for three years. The total spend to date is $24,187.00.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the Entire Connection maintenance and support should not be certified as a sole source should provide information in the following format for the state to use in determining whether or not to proceed with awarding the Sole Source contract to Software AG USA, Inc.

1.1   Interested Party Information

1.1.1 Contact Name, Phone Number and email address

1.1.2 Company Website URL, if applicable

1.2 Objection to Sole Source Certification

1.2.1 Interested parties must present specific objections to the Sole Source certification using the criteria listed above.

1.2.2 A statement regarding the Interested Party's capabilities as related to this Sole Source Certification Request.

1.3 Comments will be accepted at any time prior to Tuesday, June 22, 2021, at 3:00 p.m. (Central Time) to Jay Woodruff at jay.woodruff@its.ms.gov or at the Mississippi Department of Information Technology Services, 3771 Eastwood Drive, Jackson, Mississippi 39211. Responses may be delivered by hand, via regular mail, overnight delivery, e-mail or by fax. Fax number is (601) 713-6380. ITS WILL NOT BE RESPONSIBLE FOR DELAYS IN THE DELIVERY OF RESPONSES. It is solely the responsibility of the Interested Parties that responses reach ITS on time. Interested Parties may contact Jay Woodruff to verify the receipt of their Responses. Responses received after the deadline will be rejected.

1.4 Interested Party responses should include the following information:

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SUBMITTED IN RESPONSE TO
Sole Source Certification No. 4398-46460
Accepted until June 22, 2021 @ 3:00 p.m.,
ATTENTION: Jay Woodruff

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If you have any questions concerning the information above or if we can be of further assistance, please contact Jay Woodruff at 601-432-8001 or via email at jay.woodruff@its.ms.gov.

Attachment A: Customer Sole Source Certification Request
Attachment B: Vendor Correspondence
Attachment C: Sole Source Procurement Overview

Mississippi Department of Information Technology Services

Sole Source Certification Request

Project Title:	SAG Entire Connection

Contact Information

Agency/Institution:	MS. Depart. of Human Services	Contact Person:	Vicki Brown
Mailing Address:	200 South Lamar Street Jackson, MS 39201	Phone Number:	(601) 359-4610
		Email Address:	vicki.brown@mdhs.ms.gov
MAGIC Customer #: (Only required from state agencies.)	7000000190	Division/Dept:	N/A

Project Summary

Description of Project: (Include details of original acquisition if applicable)	MDHS Child Support Enforcement would like to continue the support for software which will allow all of the key functionalities with in METSS (Mississippi Enforcement Tracking of Support System) to operate properly since upgrading the system to the new Linux platform.

ITS Acquisition Approval (CP-1) should be effective through this date:	6/30/23

Cost Estimates (Maximum allowed duration is 3 years per request/project)

Fiscal Year		Initial Costs	Ongoing Costs	Time Constraints		Estimate the Anticipated Lifecycle or Years of Product/System's Effective Use:
FY	2021		$3,354.00	Item Needed by:	6/30/21	
FY	2022		$3,354.00	Funds Expire:	N/A	3 Years
FY	2023		$3,354.00	Other Important Deadline(s): (e.g. current contract/CP-1 expiration dates)		
Total Estimated Project Cost:			$10,062.00	Current CP-1 and contract expires on 6/30/21		

Funding Source: Federal and State Funds	Combination of funds.
Discuss Funding: (e.g. fund number; how much of needed funding is definite; total project budget; any matching or other non-state funds)	

Acquisition Details

Item or Part Number	Quantity	Description	Building Location(s)
Entire Connection	35	Software Maintenance	

Describe Platform and Infrastructure: Where does your agency plan to house or host the requested equipment or service? What resources currently available through ITS are needed (network connectivity, cloud computing/storage, colocation, business resiliency, etc.)? NOTE: For equipment or services outside of current ITS available contracts and resources, justification must be attached.
Linux/Adabas Server Environment.

Sole Source Certification -   Certification must be renewed for each revision or continuation of previous Sole Source Approvals.

Explain why these products or services are the only ones that can meet your needs: (Include specific functionality or special features that make this product or service unique.)	Entire Connection allows users to create or access application functions and data resources, regardless of location or underlying technology. Entire Connection allows users to run any number of independent host sessions concurrently, where each session occupies one window, from their PC. This parallel access and the ability to cut and paste text using the Windows clipboard, makes their PC a powerful tool for managing users' data processing tasks. Entire Connection executes and debugs standard procedures, such as backups, and unattended workstation support.
Specific business requirements to be met by the products/services: (e.g. intended use, how it helps accomplish a task, etc.)	MDHS is re-hosting Adabas and Natural applications to a Linux platform. Entire Connection allows reliable, easy, and secure access to a critical application in the new Linux environment with similar key functionalities from within the application. MDHS needs the ability to access a specific field via a mouse click and use the shift+tab key to tab back to the previous field. This is required for the users to maintain and/or improve the productivity level experienced in the previous system environment.
Explain why this is the only entity that can provide the products/services: (Include other products/vendors researched or evaluated.)	Software AG USA, Inc. is the developer and either the original manufacturer, or authorized licensor of each of the Licensed Products. Software AG USA, Inc. is, to the best of their knowledge, the only company in the United States authorized to license and provide technical services for the licensed products.

If for services or installations (not a product) the following two questions must be addressed.

Vendor's proposal submitted:	☒ Yes ☐ No (select only one)	Vendor's Certification of Sole Source attached:	☒ Yes ☐ No

MAGIC Vendor Code(s) - Vendor must be in MAGIC before a CP-1 can be issued.

Place Order To Vendor Code:	Vendor Name:	Software AG USA, Inc	Remit To Vendor Code:	Vendor Name:	Software AG USA, Inc
3102008748	Vendor Address:	11700 Plaza America Drive Suite 700 Reston, VA 20190	3102008748	Vendor Address:	11700 Plaza America Drive Suite 700 Reston, VA 20190

By my signature, I certify that, to the best of my professional knowledge: the requested product or services are a sole source as outlined in the ITS Procurement Handbook, Rule 207.2:013-030 Procurement Types: Sole Source, and as outlined in Mississippi Code annotated Section 31-7-13.

Nathan Wilson Deputy Executive Director for Administration   Nathan Wilson   6/7/2021
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Name and Title (Agency Head/Institution President/CIO)   Signature   Date

Attachment B

software ^AG

11700 Plaza America Drive
Suite 700
Reston, Virginia 20190
Phone: (703) 860-5050
Fax: (703) 391-8367

April 13, 2021

MDHS IT Procurement Manager
Mississippi Department of Human Services
200 South Lamar St.
Jackson, MS 39202

Dear Sir/Madam:

We understand that Mississippi Department of Human Services ("MS DHS") is contemplating the procurement of EntireX software from Software AG USA, Inc. (collectively, the "Licensed Products").

In connection with your proposed transaction, this letter shall serve as written confirmation that Software AG, the parent company of Software AG USA, Inc., is the developer and either the original manufacturer or authorized licensor of each of the Licensed Products. Software AG USA, Inc. is, to the best of our knowledge, the only company in the United States authorized to license the Licensed Products and provide the technical services for the License Products to MS DHS under a Software License Agreement between Software AG and MS DHS.

We look forward to continuing to work with you. Please feel free to contact us if you have any questions or concerns regarding this matter.

Sincerely,

DocuSigned by:

Bernine Knox

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Bernine Knox
Associate General Counsel

The acquisition of information technology for all state agencies and institutions of higher learning (IHLs) is within the scope of the ITS law, found in Mississippi Code Section 25-53-1, et seq., and the policies and procedures established in accordance with this statute, found in the ITS Procurement Handbook posted on the ITS website (www.its.ms.gov).

ITS enabling legislation requires that information technology hardware, software and services be acquired in a manner that insures the maximum of competition among all manufacturers and suppliers of such equipment and services. Accordingly, ITS promotes full and open competition through the issuance of open specifications and the objective evaluation of Interested Party proposals to determine the lowest and best offering to meet an agency's or public university's business requirements. True competition protects the integrity and credibility of purchasing in the public sector and is essential in providing best value and adequate contractual protection for the purchasing entity. In certain limited situations, information technology acquisitions may be sole-sourced.

ITS utilizes the provisions of Public Purchasing Law for Sole Source and Emergency procurements of information technology. Mississippi Public Purchasing Law (Mississippi Code Section 31-7-13) specifies that noncompetitive items available from one source only be exempted from bid requirements (sole-sourced). ITS statute, in Section 25-53-5 (p), permits ITS to utilize provisions in Public Purchasing Law or regulations, when applicable.

Per Public Purchasing law, acquisitions must meet the following criteria to be authorized as sole source:

1.   The product or services being purchased must perform a function for which no other product or source of services exists,

2.   The purchaser must be able to show specific business objectives that can be met only through the unique product or services, AND

3.   The product or services must be available only from the manufacturer and NOT through resellers who could submit competitive pricing for the product or services. The vendor's correspondence regarding this criterion for this project is included as Attachment B.

By policy as documented in the ITS Procurement Handbook, acquisitions of IT services must include the following information to be authorized as sole source:

1.   An explanation about why the amount to be expended is reasonable, and

2.   An explanation regarding the efforts by the purchaser to obtain the best possible price.

For state agencies, approval of all technology purchases with a lifecycle cost of $5,000 or less, including sole source purchases, has been delegated to the agency. The ITS Procurement Limits Policies for Agencies (a section in the ITS Procurement Handbook) require a minimum of two competitive written bids or proposals for technology purchases with a lifecycle cost over $5,000 but not over $50,000 (not over $25,000 for projects funded by the American Recovery and Reinvestment Act). Since, for single source items, the procuring agency will be unable to obtain two written bids, ITS must certify all sole source acquisitions of information technology with a lifecycle cost greater than $5,000.

Institutions of Higher Learning (IHLs) or public universities have been delegated the authority to certify sole source procurements up to $250,000 lifecycle cost under the ITS Procurement Limits Policies for IHLs (a section in the ITS Procurement Handbook). For the certification of sole source procurements delegated to the CIOs at public universities, the public university must follow ITS' Sole Source Procedure, including advertisement of the intent to award as sole source. Institutions certifying a sole source purchase must ensure the criteria listed above are met and documented in writing by the institution and the Interested Party prior to certifying a product or service as sole source. Sole source documentation must be reviewed and approved by the IHL's CIO for any sole-source certification

above $5,000. All sole source documentation should be retained in the public university's procurement file. Sole source requests above $250,000 lifecycle cost require ITS approval.

Other than the delegations outlined above, all sole source technology procurements must be certified by ITS. The customer's Sole Source Certification Request for this project is included as Attachment A.

ITS thoroughly reviews Sole Source Certification Requests, determining if competing products and/or services exist. If so, ITS conducts a competitive procurement. If ITS' review confirms the sole source, then a Sole Source advertisement is issued, giving other Interested Parties an opportunity to identify competing products and/or services. Based upon the results of the Sole Source advertisement, ITS will either certify the request as a sole source or conduct a competitive procurement.